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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th St., S.W.  
Washington, DC 20554

Re: Creation of a Low Power Radio Service;  
MM Docket No. 99-25; RM-9208; RM-9242

Dear Ms. Salas:

Transmitted herewith, on behalf of Lane Broadcasting Corporation, LANCOM Incorporated, and LB Radio Corporation, are an original and four copies of their Comments in the above-referenced proceeding.

In the event that there are questions concerning this matter, please communicate with this office.

Very truly yours,



Charles R. Naftalin

Enclosures

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and rural areas with lower concentrations of population.

The Docket 80-90 situation of the 1980's and 1990's, in the Northeastern Pennsylvania Market, clearly demonstrated that new FM stations with limited coverage, 80-90 stations being Class A FM stations, were in the long run unable to compete with success in the marketplace. Those stations served areas with a lower concentration of population, thus garnered lower advertiser support. While preference for female and minority applicants did encourage applicants, and assignments were made to those applicants throughout the country, those owners were, in many cases, unable to successfully compete in the marketplace due to the viability of the facilities which they operated.

In Northeastern Pennsylvania the Docket 80-90 operations initially provided some programming diversity, and the opportunity for more diverse ownership. The realities of the market were, however, that these stations were unable to find sufficient listener and advertiser support to remain independent. Within a dozen years all the Docket 80-90 commercial stations were taken over and re-programmed by other stations, primarily group owners with out of area ownership. The programming diversity and diversity of ownership were lost due to market conditions beyond the control of any of the individual station operators.

Here is a summary of the those stations which were licensed to Northeastern Pennsylvania during the period of 1985-1998 including the Docket 80-90 stations and how those stations evolved during the last several years.

Dallas, PA 93.7 Channel 229A. This station was started by local business people with broadcast experience in 1989. The initial programming was country music. The station provided news coverage. Since 1989 it was sold twice, the format was changed to oldies and back to country. The news commitment is reduced. Today the station is simulcast with the FM in Carbondale and owned by an investment group from Montana. Local ownership is gone and staffing has been reduced.

Hawley, PA 105.3 Channel 287A. This station was eagerly sought after the application window opened. The female operator winning the license sold it to another owner who programmed the station with adult contemporary music and provided news coverage. The limited coverage of the station and competition from the neighboring Honesdale station made the economic viability questionable. Over the last several years, the operator was forced to reduce staff and community service. The Honesdale station has taken over operation of Hawley and has an application for purchase pending with the Commission. Local residents are concerned with the concentration of ownership and control. The Department of Justice is reviewing this sale. In retrospect, the

Hawley FM will likely not survive as an independent commercial station.

Mountaintop, PA 97.1 Channel 246A. The grant of this facility was originally approved to a minority applicant serving as president. Shortly after this station was put on the air it was leased to a group operator who already owned and operated another Class B FM and low dial position - high power AM station in an adjoining market. The current group operator has recently purchased this station and simulcasts its signal on the Tunkhannock, PA. FM station.

Olyphant, PA 95.7 Channel 239A. This station was planned to be an independent operation, but it was quickly acquired by the owner of the Olyphant AM station. The station programmed Classic Rock and a syndicated morning program. Competition factors forced the owner to lease the station to a group operator who now simulcasts the signal of a Hazelton, Pa. Class B FM station. The group operator has also purchased this station.

Scranton, PA 99.5 Channel 258 This station was highly sought after. In the end the University of Scranton won the license and pledged to operate it as a non-commercial station. Today it operates on a part-time basis with students providing much of the programming. Of the stations added in the market in the last fifteen years, this is the only station to maintain the same ownership and programming.

Tobyhanna, PA 107.9 Channel 300A This station signed on to provide adult contemporary music and local community service with local ownership and management. Economic conditions based on the limited population and small retail community in the station's primary service area forced the owner to lease the station to the operator of the most listened to station in the Scranton/Wilkes-Barre, PA. market. The Tobyhanna (Mount Pocono) area was difficult for that Class B to cover, so the Class B operator put the programming of its larger station on 107.9. In time the operator purchased the facility from the local owners and continued to operate the Tobyhanna (Mount Pocono) station with Wilkes-Barre programming. The new owner is an out of town group owner.

Tunkhannock, PA 107.7 Channel 299A This station was granted to local business people in the Tunkhannock area. After signing on, the station programmed young adult music and local information. In time the local owners leased the station and its co-owned AM to a large group owner. The group owner removed all local programming and simulcasts the FM with another Class A FM. The AM is simulcast with a Pittston PA AM.

In summary, the Docket 80-90 stations ultimately proved to be of

value to established group operators for the additional coverage they provided, but as independent operations, the Docket 80-90 stations were almost exclusively unable to support themselves, even when paired with an established AM station in the same town.

If the Commission proceeds with Low Power Radio Service on the FM band, history is doomed to repeat itself. Neighborhood FM stations will not find the audience and the financial support to survive. In those areas where there is spectrum space available, there is no population to ultimately fund the operation. As a class, these stations will prove to be a burden on their owners and, if history repeats itself, their benefit, if any, will go to those operators with the funding to combine assets and dominate their markets if permitted to do so by the commission.

Also, it is the position of the commentor that the creation of a new service in the crowded FM spectrum should in no way allow for additional interference among stations. As FM Radio seeks to improve service with In Band On Channel Digital programming, with the digital signal located in the sideband, signal integrity will be of supreme importance. Interference from secondary and tertiary channel stations would deprive current listeners of digital service and could jeopardize the viability of the improved service.

The commissions objective to increase diversity in ownership and programming is very laudable! In my opinion it is no the answer to this objective. I do believe the internet (and improvements anticipated soon) will provide an abundance of streaming audio programming and much diversity.

Respectfully submitted,

  
Douglas V. Lane  
President  
WWDL/WICK/WYCK